

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD O. SALAVE'A,
Plaintiff,

v.

WASHINGTON CORRECTION CENTER
RELIGIOUS PROGRAM,
Defendant.

Case No. C05-5704FDB

REPORT AND
RECOMMENDATION

Noted for March 31, 2006

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has filed a civil rights complaint under 42 U.S.C. § 1983. He is proceeding *in forma pauperis* in this matter. This matter is before the court due to plaintiff's failure to respond to the court's previous order to file an amended complaint. For the reasons set forth below, the undersigned recommends plaintiff's complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e).

DISCUSSION

On January 12, 2006, the court ordered plaintiff to file an amended complaint or show cause why this matter should not be dismissed. (Dkt. #8). Specifically, the court found plaintiff's complaint deficient

1 because: (1) he failed to allege facts showing how any individually named defendant caused or personally
2 participated in causing the harm alleged; and (2) he had not shown the alleged conduct deprived him of any
3 right, privilege or immunity secured by the United States Constitution or federal law. Plaintiff was warned
4 that should he fail to so respond by February 12, 2006, the court would recommend dismissal of this
5 matter. To date, however, plaintiff still has not responded to the order to show cause.

6 CONCLUSION

7 Because plaintiff has failed to respond to the court's order to show cause directing him to file an
8 amended complaint to cure the deficiencies in his original complaint, the undersigned recommends the
9 court dismiss that complaint prior to service as frivolous pursuant to 28 U.S.C. §1915(e).

10 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 72(b),
11 the parties shall have ten (10) days from service of this Report and Recommendation to file written
12 objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
13 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
14 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **March 31,**
15 **2005**, as noted in the caption.

16 DATED this 7th day of March, 2006.

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20 Karen L. Strombom
21 United States Magistrate Judge
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